

REMARKS/ARGUMENTS

This letter is responsive to the Office Action dated July 8, 2003. This response is accompanied by a request for a one month extension of time and the associated fee of \$55.00. Therefore it is respectfully submitted that this response is timely filed.

In the Office Action, the Examiner has allowed claims 12-16. The applicant appreciates the allowance of these claims, and has accordingly not made any changes to these claims.

In the Office Action, the Examiner rejected claims 1-11 under 35 U.S.C. 102(b) as being anticipated by each of Roddy, Baudart et al. and Ueno et al. The Examiner has stated that each of Roddy, Baudart et al. and Ueno et al. teaches a multifocal ophthalmic lens having a first portion with constant focal properties, a second portion with downwardly progressive focal properties and two regions on either side of the second portion that have focal properties selected to avoid distortion.

Claim 1 defines a multifocal ophthalmic lens that has a first portion for distance viewing and a second portion having focal properties that vary progressively in a downward direction. The claim has been amended to specify that the two regions on either side of the second region have focal properties that are constant. The applicant respectfully submits that Roddy, Baudart et al and Ueno et al all teach an approach to the lens configuration that is very different from that now defined in claim 1.

As can be seen in Figure 1 and column 5, lines 1-4 of Roddy, a lens is disclosed having a single focus distance viewing zone 14, a single focus near viewing portion 16, and an optional intermediate region 18 that has focal properties that are between those of the distance viewing portion and the near viewing portion.

Roddy discloses a lens having the distance viewing portion 14 on its upper half. Its lower half includes several circumferentially extending bands 18, 16 and 24 each of which has a constant focal length. Band 16 is a near viewing portion, band 18 is an intermediate portion, and 24 is a peripheral band. The bands of Roddy cannot be considered to constitute a progressive portion of a lens since they are simply several bands juxtaposed each have a constant focal length.

Furthermore, the circumferential bands of Roddy extend around substantially the entire lower half of the lens. The applicant submits that there are no regions, in the sense required by claim 1 (i.e. extending on either side of the second portion with varying focal properties) in the lower half of Roddy's lens that have substantially constant focal

properties as claimed in claim 1. The applicant therefore submits that claim 1 is neither anticipated, nor obvious in view of Roddy.

In general, the approach to reducing distortion in progressive lenses taken by lens designers such as Baudart et al, and Ueno et al fall into a common strategy. In an effort to reduce distortion in the lower left and lower right regions of the lens, adjacent the downwardly progressive portion, the lens designers typically stretch out the progression in these lower left and lower right regions, so that the focal length changes gradually from the near viewing length to the distance viewing length in the upper half of the lens typically. In contrast, the applicant's progressive lens changes very rapidly or even instantaneously from the near viewing focal length to a constant focal length in the regions immediately adjacent the progressive portion. This approach is entirely different from that taken by Baudart et al and Ueno et al.

Baudart et al discloses several lenses in Figures 3, 4, 7, 8, 10 and 11. As shown in these figures, these lenses include a progressive region that extends downwardly to a near viewing portion. Adjacent the downwardly progressive region and the near viewing portion, Baudart et al provides very large progressive regions that extend circumferentially around all the way into the upper half of the lens. Baudart et al teaches that to avoid distortion, these progressive regions of the lens have a shallow progression towards the distance viewing portion in the upper half of the lens. Accordingly, Baudart et al does not teach regions having constant focal properties on either side of the downwardly progressive region and the near viewing region.

By contrast, claim 1 of the present invention requires that the lens have substantially constant focal properties in the regions on each side of the downwardly progressive region. This is achieved by a very different structure than that disclosed by Baudart et al. For example, this structure can be achieved by having a relatively rapid progression from the near viewing focal properties to the focal properties in the critical quadrants. Alternatively, this structure can be achieved by having an abrupt change in focal properties from the near viewing portion to the focal properties in the critical regions, whereby a physical discontinuity may be apparent on inspection of the lens, which, unlike all the cited references that teach away from such a characteristic, is acceptable to the present inventor. In either case, the progression from the near viewing focal properties to the focal properties in the critical regions is made rapidly, or instantaneously, instead of being made gradually as disclosed by Baudart et al. Accordingly, the applicant submits that Baudart et al clearly does not anticipate claim 1, and does not hint or suggest the structure of claim 1.

Ueno et al teaches a similar structure to that of Baudart et al, in that a progressive region extends throughout the lower left and right quadrants all the way into the upper half of the lens, (see Figure 5 of Ueno et al. in particular). In contrast, claim 1 of the present invention claims that the focal properties on the regions on either side of the downwardly progressive region are substantially constant. Ueno et al does not hint or suggest making the lens with constant focal properties throughout these regions in spite

of recognizing that distortion in these regions causes discomfort to lens wearers (see column 1, lines 29-39). Furthermore, Ueno et al. does not hint or suggest making the lens with substantially constant focal properties in the regions adjacent the downwardly

progressive region. Accordingly, the applicant submits that claim 1 is not anticipated or obvious in view of Ueno et al.

The applicant repeats and relies on the arguments made above for claim 1, for claims 2-11.

Furthermore, claim 2 further specifies that the lens of the present invention has focal properties that are substantially the same as those of the distance viewing portion of the lens.

The applicant submits that the lens of Roddy clearly provides near viewing focal properties in the two regions (ie. generally in the lower left and lower right quadrants of the lens). Roddy does not suggest or hint at any construction other than one with the lower half of the lens having a nearly 180° band of near viewing focal properties. Instead, Roddy teaches to have an intermediate band 18 with intermediate focal properties and near viewing band 16 with near viewing focal properties in these regions.

The applicant submits that the lenses disclosed by Baudart et al. and Ueno et al. clearly do not have focal properties in the regions adjacent the downwardly extending progressive region that are the same as those of the distance viewing portions of their lenses. The applicant submits that Baudart et al. and Ueno et al. clearly include progressive focal properties in these regions.

Accordingly, the applicant submits that claim 2 is clearly not anticipated, and is not obvious in view of Roddy, Baudart et al, and Ueno et al, either alone or in combination.

Claim 6 of the applicant's application claims that the focal length of at least one of the regions is infinite (ie. that region does not provide focus). As explained above, Roddy, Baudart et al and Ueno et al all clearly disclose lenses that provide focus in the regions adjacent any downwardly extending progressive region.

Accordingly, the applicant submits that claim 2 is clearly not anticipated, and is not obvious in view of Roddy, Baudart et al, and Ueno et al, either alone or in combination.

The applicant has added a new independent claim 17, which claims a lens having a first portion for distance viewing, and second, progressive portion, and two regions on either side of the progressive portion which have substantially the same focal properties as the first portion. The applicant submits that claim 17 Roddy, Baudart et al, and Ueno et al, either alone or in combination do not teach these features.

Appl. No. 10/059,141

Amdt. Dated November 7, 2003

Reply to Office action of July 8, 2003


The applicant submits that the application is now in condition for allowance, and early allowance and approval are respectfully requested.

If the Examiner has any concerns, he is invited to contact the undersigned at 416-957-1687.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BERESKIN & PARR

By 

H. Samuel Frost
Reg. No. 31,696
Tel: 416-957-1687